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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,171	03/26/1999	CAMERON BOLITHO BROWNE	169.1167	3147
5514	7590	01/05/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 01/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,171

Applicant(s)

BROWNE, CAMERON BOLITHO

Examiner

Thu-Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (US patent no. 5,861,891) in view of Cosman (US patent no. 6,147,690) and further in view of Griffith et al. (US patent no. 5,396,594).

Re claims **1, 36, and 38**, Becker discloses I.) a method of generating a coloured or shaded texture for images to be displayed on a display device or printed, the method including the steps of providing a plurality of shape elements, each shape element defining a surface (col. 3, lines 47-67; col. 4, lines 1-14; fig. 2-4 and 7A—in that figures 2-4 and 7A in Becker clearly discloses the plurality of shapes of a surface); II.) providing each of the shape elements with an opacity which varies over its surface (col. 6, lines 34-58; fig. 2-4--Becker teaches a slider or controller is used to vary the value of the shape elements over its surface. Figures 2-4 of Becker disclose this part of the claim.

Furthermore, he teaches producing a smooth volume image in an opacity splat plot (col. 2, lines 17-28). Becker teaches an image consisting of shapes in relations to opacity. Also, Becker providing each of the shape elements with an opacity which varies over its surface when he discloses the variation in opacity from a peak at the center to zero point (col. 4, lines 9-13; fig. 7a); III.) rendering the shade elements for output to a printer or display device, such that the overlapping opacities generate a coloured or shaded texture (col. 1 and 2; col. 8, lines 28-67; col. 9; fig. 1, 5, and 7A). In other words, Becker teaches the invention implement in the computer system in that a computer system includes a printer to output images. In figure 1, Becker discloses the displaying of splat plot that is the disclosing of the shade elements for output to a display device. Therefore, Becker teaches the step of rendering the shade elements for output to a printer or display device because he teaches the display of splat plot and the gaussian texture.

However, Becker fails to explicitly teach arranging the shape elements in an overlapping fashion. But, Cosman teaches arranging the shape elements in an overlapping fashion. He discloses pixel-shading system for predetermined polygons. In that he improves multi-sampling that provides undiminished image quality for scene details behind transparent polygons and proper concatenation of multiple overlaid transparent surfaces. Therefore, the multiple overlaid transparent surfaces are arranged in overlapping fashion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the step of arranging the shape elements in an overlapping fashion of Cosman to the system of Becker to sort all the

transparent polygons in a front-to-back arrangement for processing the transparent polygon records (Cosman: col. 8, line 40 to col. 9, line 49; figs.1-2 and 4).

Furthermore, Becker and Cosman fail to explicitly teach the region has a substantially uniform opacity. Nevertheless, Griffith teaches an overlay of uniform opacity is to be combined with the background image. He teaches the amount of memory allocated to store each overlay image need only be sufficient to store precisely the amount of data relating to that overlay image. The one or more overlay images may be stored in pre-multiplied form to ease the image combining calculation. The values of the pre-multiplied form may be stored as single 32 bit long words in random access memory. The editing may affect simultaneously the colour and alpha values for each affected pixel. Overlay images may be of any size (smaller equal to or larger than the framestore) and can be positioned at any offset to the framestore. The editing step may affect any number of layers simultaneously. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the region has a substantially uniform opacity of Griffith to the system of Becker and Cosman to merge an image and a mask to form an image for display (Griffith: col. 2, line 23 to col. 5, line 60).

Re claims **24, 29-30, 32, and 34**, Becker teaches I.) apparatus and method for generating a coloured or shaded texture for images, the images to be displayed on a display device or printed, the apparatus including providing a plurality of shape elements, each shape element defining a surface (col. 3, lines 47-67; col. 4, lines 1-14;

col. 6, lines 34-58; fig. 2-4; fig. 2-4 and 7A). Figures 2-4 and 7A in Becker clearly discloses the plurality of shapes of a surface consisting of various splat plots in opacity surface; II.) having an opacity which varies across the surface, providing a plurality of shape elements, each of the shape elements defining a surface and having an opacity which varies across the surface, and rendering the shape elements such that the overlapping opacities generate a coloured or shaded texture (col. 6, lines 34-58; fig. 2-4). Becker teaches a slider or controller is used to vary the value of the shape elements over its surface. Figures 2-4 of Becker disclose this part of the claim. Furthermore, he teaches producing a smooth volume image in an opacity splat plot (col. 2, lines 17-28). Becker teaches an image consisting of shapes in relations to opacity. Also, Becker providing each of the shape elements with an opacity which varies over its surface when he discloses the variation in opacity from a peak at the center to zero point (col. 4, lines 9-13; fig. 7a); III.) outputting the coloured or shaded texture to a printer display device (col. 1 and 2; col. 8, lines 28-67; col. 9; fig. 1, 5, and 7A). Becker teaches the invention implement in the computer system in that a computer system includes a printer to output images. In figure 1, Becker discloses the displaying of splat plot that is the disclosing of the shade elements for output to a display device. Therefore, Becker teaches the step of rendering the shade elements for output to a printer or display device because he teaches the display of splat plot and the gaussian texture. IV.) The A computer storage medium bearing one or more computer software programs for execution on a computer, the computer software program or programs including compiled or uncompiled software instructions (col. 8, lines 28-67; col. 9; fig. 5).

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However, Becker fails to explicitly teach arranging the shape elements in an overlapping fashion to fill a predetermined region of the images such that the region has a substantially uniform opacity, the region lying within a boundary defined by a closed curve. But, Cosman teaches arranging the shape elements in an overlapping fashion to fill a predetermined region of the images such that the region has a substantially uniform opacity, the region lying within a boundary defined by a closed curve. He discloses pixel-shading system for predetermined polygons (i.e. polygons consisting of regions lying within a defined curve such as circle). In that he improves multi-sampling that provides undiminished image quality for scene details behind transparent polygons and proper concatenation of multiple overlaid transparent surfaces. As for filling a predetermined region of the images, Cosman teaches the sample processor consisting of polygon sample mask bits that fill the predetermined region of the images. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the step of arranging the shape elements in an overlapping fashion to fill a predetermined region of the images such that the region has a substantially uniform opacity, the region lying within a boundary defined by a closed curve of Cosman to the system of Becker to sort all the transparent polygons in a front-to-back arrangement for processing the transparent polygon records (Cosman: col. 8, line 40 to col. 9, line 49; figs.1-2 and 4).

Re claims **2-6 and 25-26**, Becker discloses the limitations in these claims (col. 1, lines 10-53; col. 3, lines 55-61) by teaching the various sizes of the glyphs in his invention.

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Re claims **7-11 and 27-28**, Becker discloses the focal point and its location (col. 3, lines 13-38; col. 4, lines 9-14). The axis in Becker discloses the focal point. Becker teaches the Gaussian functions, which include the focal point and its location.

Re claim **12**, Becker discloses the predetermined function is exponential or linear (col. 6-8; fig. 6).

Re claims **13-23, 31, 33, 35, and 37**, the limitations of claims 13-23, 31, 33, 35, and 37 are analyzed as discussed with respect to claims 1, 24, 29-30, 32, and 34-35 above.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

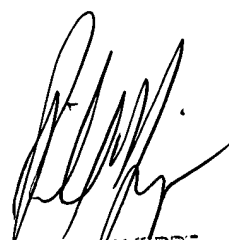
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
December 16, 2003



RICHARD WIERPE
SUPERVISORY PATENT EXAMINER
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